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In The United States Vatent and Trademark (Office

Appn. No. 10/860.826

Filed: August 27, 2001

Applicant: Title:

Reuben Hertz

HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE MATTER

WITH DIRECTIONAL FLOW CONTROL

9939 865

Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

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SEP 0 5 2006

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Certificate of Transmission: I certify that on the date below this document and referenced attachments, if any, will be transmitted via facsimile to:

571 273-0025

Signed:

Allen Hertz, Reg. No. 50,942

Date transmitted: September 05th, 2006

Attachments:

Petition to Withdraw Holding of Abandonment (05 pages)

Replacement Part 9 Fcc Transmittal respective to 09/939,865 (1 page)

Exhibit A: Part B Transmittal as originally submitted (1 page)

Exhibit B. Issue Fee payment and Return Postcard as originally submitted (1 page)

Exhibit C: Return postcard receipt as originally received (1 page)

Certificate of Transmission (this page)

Petition to Revive

Appn. No. 09/939,865

Filed: August 27, 2001

Applicant: Reuben Hertz

Title: HANDHELD A

HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE

MATTER WITH DIRECTIONAL FLOW CONTROL

Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

Mall Stop: Petition

Transmitted on: 2006, September 05

Petition to Withdraw Holding of Abandonment

FAX RECEIVED

SEP 0 5 2006

OFFICE OF PETITIONS

Commissioner of Patents and Trademarks
Patent and Trademark Office
United Stated Department of Commerce

P.O. Box 1450

Alexandria, VA 22313-1450

Office of Petitions Fax Number: 571 273-0025

SIR:

In response to the Notice of Abandonment Malled 2006, August 30th, Applicant requests to Petition to revive the subject application based upon the following:

Applicant submitted issues fees for the subject application and submitted the incorrect application numbers. Applicant submitted issue fees for the subject application, but inadvertently submitted the fees on papers identified for a previously issued patent, Application number 10/704,517.

Applicant has attached copies of all papers submitted on June 07, 2006 for payment of Issue fees and publication fees which were incorrectly identifying a previously issued patent, USPN 10/704,517. Attached are Part B Fees Transmittal

Petition to Revive

Exhibit A: Part B Fee Transmittal dated June 07, 2006 to 10/704,517 which had already issued as USPN 6,951,505 on October 4th, 2005.

Exhibit B: Check number 3387 in the amount of \$1000 and respective return postcard stating date of deposit on June 07, 2006.

Exhibit C: The respective return postcard receipt stating date of receipt by the USPTO on June 12, 2006.

Applicant has confirmed with the Office of Petitions that Issue fee payment was received and placed against Application No. 10/704,517 in accordance with the submitted documentation. Applicant notes that Application No. 10/704,517 had issued on October 4th, 2005 and that the subject issue fees were paid on June 07th, 2006.

Applicant respectfully requests the Office of Petitions grant this petition, transfer the Issue fees from Application No. 10/704,517 to Application No. 09/939,865, and withdraw the holding of abandonment of Application No. 09/939,865.

Page 3 of 5

Petition to Revive

CONCLUSIONS

Applicant believes the submitted petition presents sufficient evidence that the Applicant made a bonafide attempt to submit the issue fee and respective publication fee for the subject application prior to the due date of July 28th, 2006.

Applicant has submitted a replacement form, Part B Fee Transmittal respective to Application No. 09/939,865.

The Office has established a shortened statutory period of **two (2) months** for response to the **Notice of Abandonment** mailed on August 30th, 2006. Applicant has responded to the Office Action on or before October 30th, 2006 with a proper certificate of correspondence, being submitted in less than **Two (2) Months** from the date of mailing of the subject **Notice of Abandonment**. Therefore, the Applicant believes the response is timely. Applicant believes the response provided is complete.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, a telephone call to the Agent of Record (Allen Hertz) at (561) 883-0115 (Office)(Please leave a message) or (561) 716-3915 (Cell phone) is respectfully solicited.

Page 4 of 5

Petition to Revive

identifying the certificate of mailing being June 07, 2006, a copy of the check submitted on 6-7-06 for \$1000 referencing Application No. 10/704,517, and the return postcard as malled identifying the check and date of deposit as such. Also attached is a copy of the return postcard as received with an OIPE stamp dated Jun 12, 2006.

Applicant inadvertently used the incorrect part B transmittal and should have used the one reflecting the 09/939,865 application.

Applicant has attached a completed Part B Fee Transmittal respective to the subject application for completeness of the file.

Applicant respectfully petitions to:

- 1) Withdraw holding of abandonment of Application No. 09/939,865.
- 2) Apply the fees submitted on June 07, 2006 from Application No. 10/704,517 to Application No. 09/939,865.

Applicant earnestly believes that Applicant has submitted evidence that the payment was made in a timely manner (June 07, 2006) for a due date of July 28th, 2006 as follows:

Page 2 of 5

Petition to Revive

Respectfully submitted,

Allen D. Hertz

Agent of Record, Reg. No.: 50,942

Please submit all correspondence concerning this patent application to:

Allen D. Hertz

Registration Number: 50,942



PATENT & TRADEMARK OFFICE

Customer Number, 31877 12784 Tulipwood Circle Boca Raton, Florida 33428 Tel / Fax: 561/883-0115 Cell: 561/716-3915

Page 5 of 5

PART B. FEE(S) TRANSMITTAL

FAX RECEIVED

Complete and send this form, together with applicable fee(s), to: Mall Mall Stop ISSUE FEE

Commissioner for l'atents

SEP 0 5 2006

P.O. flox 1450 Noxandeta, Virginia 22313-1450 **OFFICE OF PETITIONS**

or Eas (571)-273-2885 INSTRUCTIONS. This form should be used for transacting the ISSUE Fifth and PI BI ICATION Fifth III required. Works I through C should be completed who agreement. All further correspondence including the Utton, advance and numberous reasonables will be moded to the correspondence address unlessed unless corrected below or directed otherwise in Block I, by (a) specifying a new correspondence address, and or (b) indicating a separate Title ADDRESS maintenance fee outlinearing. Note: A complicate of mailing can early be used for domestic mailings of Rectal Transmitted. This confliction cannot be used for any other accompany papers. First, obligated paper such as an assignment or formal drawing in type its own confliction mailing or transmission. CONTRACTOR OF THE PROPERTY OF A CONTRACT OF 115" 1697 4 of 28 25406 Certificate of Malling of Teasymission herears corner that this peers I ransmired to heigh deposited with the Uni-States Proof Service with sufficient persons for that elses mill in in greath addressed to the Mail Stop ISSUP FEEL address above, in being bestin transmirted to the CSPTO IS '11 273 2005, on the date indicated below ALLEN D. HERTZ 12784 TULIPWOOD CIRCLE BOCA RATON, FL 33428 Allen 2. Hertz (Sign of 11.2 2006 September 05, SETTINGS OF TAKEN BUILDING CONSIDNIA EDIN NO SPHIR SEEDS SEE THE SOURCE THE RESIDENCE OF STREET 3746 090-27-2001 (1) 939,865 Reuben Henr THE COUNTERED BASIDIE OF APPARAICS FOR ID TIVERY OF PARTICLE AT MAJOR WITHOUT TENALITOW CONTROL mate his P. RURAGIOS ED WHAT BEESTON INSTITUTE APPEN TYPE SHALL SHEY 41. P. 57101 tempers record 11.5 LAMINER 4R:1 V(1 1.1. 155/51 to 1, 155 173 441.1144.1111 ROSE, ROBERTA 1. Change of crarcopaniciense address or indicating (i) The Address' (3) CFR 1.565) 2 for printing on the potent three page, but Allen D. Hertz (1) the names of up to 3 registered patent attorneys or agents OR, alternatively. 4 Change of correspondence address on Change of Correspondence Solves from PTC 5B 122) absolud (7) the name of a single firm thaving as a frequent a regionered quantity of age in southle many of up to 2 registered potent anomaly in agents. If no name is listed, no name will be praited. "I "I ee Augusts" indicampion "Fee Address" Indicator from PTO SR 42; Res 04-02 or more recent anached. Use of a Customer Somber is required. 1 ASSIGNEE NAME AND RESIDENCE DATA TO DE PROVIDE ON THE PATENT (ORMEO CITY) PLEASE NOTE: Unless an assigned is identified below, no polymed data will appear on the patern. If an assigned is about field below, the document has been filled recordation as set forth in 37 C4M 3.11. Completion of this form of NOTE a substitute for filling an assignment. SHYRESIDENCES ATTY OR STATISCHE COPNIEST (A) NAME OF ASSIGNEE "I bodicablate II Corps indication of other provide promo entitle. II Government Please check the appropriate insignee estegory or entegories (will not be retinted on the parent): sa. The following feet state enclosed 4h Payasant of Leating XI issue the 🐸 A chief in the amount of the feets) is enclosed M thintications I corps wand county descount permitted in I transment by productioned from \$1141-2004 is also been The Director is hereby authorized by charge the reasoned texasi, or credit any overpayment, to Advance Order - # of Copies Depend Accumi Stauber termine an extra copy of this forms 5. Change in Entity Status (from status in Leated above) Applicant claims SMALL ENTITY status. Sec 37 CFR 127 B Applicant is no longer claiming SMALL INDITY status. See 3.1 CFR 1.2 (g) 2. The Directing of the UNFTO is requested to apply the Issue Lee and Policespen, Lee of any cost of recapply any previously read owne fee to the application identified above NOTE: The Issue Fee and Publication Recoil required will true be account from amount other than the applicant, a registered attorney of accounts of the esquire or other part interest as shown by the recents of the Linket States Edeal and Transfinate Office. September 05, 2006 Authorizer Signature Allen D. Hortz

This collection of information is required by 3? CFR 1.11. The information is required to obtain or retain a benefit by the public which is to july find by the USP 111 to providing application, Confidentialities is governed by 32 U.S.C. 122 and 3. CFR 1.11. This collection is estimated to face 12 minutes to contribute, including gathering, reparting submitting the campileted application form on the USP 10. The will see the pending upon the individual case. Any contributions on the contribution of the set of time you require to complian form and or supportion for reducing this borden, though be sent to the Chief Information Officer, U.S. Patent and Tradequiret, Office, U.S. Department of Construction 14th, Alexandria, Viging 22313-1250. DO NOT SEND THES OR COMPLETED FORMS TO THE CODDINGS SEND TO Construction of Construction and the sent and the sent of the Union Send Construction of Construction.

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50,942

Registration No.

Appendix A

Part B Fee Transmittal
Originally Submitted on June 07, 2006

In The United States Patent and Trademark Office

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Reuben Hertz

Filed: August 27, 2001

Applicant: Title:

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Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

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SEP 0 5 2006

Application Ser. No. 09/939,865

PARTICEORPETITIONS

Appn. No. 09/939,865

Reuben Hertz

Applicant: Title:

Tuesday, September 05, 2006 8:54 PM

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Filed: August 27, 2001

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Transmitted on: 2006, September 05

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Cell: 561/716-3915

Page 5 of 5

PART B - FEE(S) TRANSMITTAL

SEP 0 5 2006

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Commissioner for OFFICE OF PETITIONS
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or Fax (571)-273-2885

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Appendix A

Part B Fee Transmittal Originally Submitted on June 07, 2006

PART D - FEE(E) TRANSMITTAL

Complete and send this form, together with applicable fcc(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents F.O. Box 1450

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Appendix B

Issue Fee Payment, Check No. 3387 for \$1000 Return Postcard

All as Originally Submitted on June 07, 2006

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to my office.

Applicant: Serial No.:

Reuben Hertz

10/704,517

For:

METHOD USING HANDHELD APPARATUS FOR

DELIVERY OF PARTICULATE MATTER

Filea:

November 08, 2003

Issue Fee

Mail:

Date of Deposit: June 07, 2006

Enclosures:

First Class Mail Issue Fee Transmittel (I Page);

Check 3387 for \$1000,

Return Postcard

Appendix C

Return Postcard Receipt

All as Stamped on June 12, 2006

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